



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 8, 2016
1603-VS-02
Exhibit 1

Petition Number: 1603-VS-02

Subject Site Address: 235 North Cherry Street (the "Property")

Petitioner: North Ridge Holdings, LLC by North Ridge Construction
(the "Petitioner")

Request: The petitioner is requesting a Variance of Development Standard to reduce the Minimum Front Yard Building Setback Line in the SF3: Single-Family Medium Density District (Article 4.6(E)(1)).

Current Zoning: SF3: Single-Family Medium Density District

Current Land Use: Residential

Approximate Acreage: 0.21 acres

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Site Plan Exhibit
5. Proposed Home Exhibit
6. 236 North Street Exhibit

Staff Reviewer: Jesse M. Pohlman, Senior Planner

Petition History

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 0.21 acres +/- in size and located at 235 North Cherry Street on the southwest corner of Cherry Street and North Street (see [Exhibit 2](#)) within the John Kerr Addition. The Property is zoned the SF3: Single-Family Medium Density District. The Property currently contains a single-story single-family home (see [Exhibit 3](#)) which the petitioner intends to demolish in order to rebuild a new home (see [Exhibit 5](#)). The surrounding properties include other single family homes.

Variance Request: The Petitioner is requesting this variance to allow the construction of a new home, as generally illustrated on the Site Plan Exhibit (see [Exhibit 4](#)) and Proposed Home Exhibit (see [Exhibit 5](#)).



As a Corner Lot¹, the property has two (2) Front Lot Line², thus has two (2) Front Yards³. As a result, the Minimum Building Setback Line⁴ for the Front Yard applies to both North Street and Cherry Street and the standard is twenty (20) feet (Article 4.6(E)(1)).

The existing home currently fronts on North Street and has a setback of approximately fifteen (15) feet from Cherry Street. The petitioner is proposing that the new home would continue to front on North Street and is requesting a Minimum Building Setback Line of eleven (11) feet along the property's Cherry Street frontage.

As a point of reference, the petitioner also demolished and built a new home on the northwest corner of this intersection (236 North Street) as depicted in Exhibit 6. Prior to the construction of that home, the Board granted the petitioner a Variance of Development Standard to reduce the Minimum Building Setback Line from twenty (20) feet to three and one half (3.5) feet along that property's Cherry Street frontage (1401-VS-02).

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Downtown" land use classification. The Downtown area was further studied in 2008 after the formation of the Grand Junction Task Group (the "GJTG"). The study resulted in an amendment to the Comprehensive Plan known as the Grand Junction Master Plan and Addendum, adopted in 2009, and then subsequently the adoption of the Grand Junction Implementation Plan (the "Implementation Plan"), an amendment to the Comprehensive Plan adopted in 2013 (collectively, the "Grand Junction Plan").

The Grand Junction Plan identifies a long term vision as well as land use and financial investment goals for the intermediate and short terms. The centerpiece of the Grand Junction Plan includes creating public gathering spaces with key public investments opportunities to include: Grand Junction Plaza (currently being designed), new civic facilities, extended trail system and street network, enhanced stormwater management, and signature gateway developments.

The studied land use component of the Grand Junction Plan identified several sub-districts. The Property falls within the area identified as the "Neighborhood Sub-District", characterized as follows within the Implementation Plan⁵:

¹ Chapter 13 of the UDO defines "Lot, Corner" as "[a] Lot at the junction of and abutting two (2) or more intersecting Streets (public or Private Streets)."

² Chapter 13 of the UDO defines "Lot Line, Front" as "[a] Lot Line abutting a Street (public or Private Street). A Through Lot and Corner Lot will have multiple Front Lot Lines."

³ Chapter 13 of the UDO defines "Yard, Front" as "[a] Yard extending across the full width of the Lot, the depth of which is the least distance between the Front Lot Line and the Front Yard Building Setback Line."

⁴ Chapter 13 of the UDO defines "Building Setback Line" as "[a] line parallel to a Right-of-way line, edge of a stream, or other Lot Line established on a parcel of land or Lot for the purpose of prohibiting construction of a building or structure in the area between such line and the Right-of-way, stream bank, or other Lot Line."

⁵ 2009 Grand Junction Implementation Plan, page 23.



The Neighborhood Sub-district includes several existing neighborhoods and residential subdivisions that are near to the downtown core (e.g., Newby's Westfield Heights; North Union Heights; Sleepy Hollow; Pine Hollow; John Kerr Subdivision; Kenyon Subdivision; Southridge Subdivision; and Cherry Wood Estates Subdivision). The Sub-district also includes the Westfield Intermediate School campus; the Westfield Middle School campus; the Christ United Methodist campus; and the Union Bible College campus.

These areas are included in the Neighborhood Sub-district because they are the residential and institutional properties which populate and serve the Grand Junction area. It is unlikely that these areas will redevelop in the near future; however, the potential for future redevelopment does exist, and for this reason, a clear vision for the redevelopment of the downtown neighborhoods should be developed.

The specific objectives for the Neighborhood Sub-District, as prioritized in the Implementation Plan, include: (i) provide places for people to live within, or within walking distance of, downtown; (ii) develop vision and standards for future redevelopment of the sub-district; and (iii) develop standards for existing structures in the sub-district.

The Department, in coordination with the GJTG, is currently working on the prioritized objectives of the Implementation Plan; however, the specific objectives noted above for the sub-District are still in progress. As a result, the Department encouraged the petitioner to meet with the GJTG. The GJTG has provided a letter as a result of their meeting with the petitioner, which will be presented at the public hearing.

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the March 8, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁶ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

⁶ Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.



Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁷ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

⁷ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Department Comments

If the Board is inclined to approve the variance, then the Department recommends the following findings:

Recommended Findings for Approval:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the SF3 District permits the proposed residential use and the resulting improvements will otherwise comply with or exceed the applicable standards of the SF3 District. In addition, the requested variance is generally consistent with the front yard setbacks of the existing building on the property.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards of the SF3 District; and (iv) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed improvements would otherwise be permitted and comply with the Unified Development Ordinance.